

applying a rotational motion to the holder to secure the spacer and the screw in rotationally fixed positions in relation to each other and to the holder.

61. The method according to claim 60, wherein the holder is used for transmitting manual rotation movements to the screw as the latter is screwed into the implant.

In the Abstract:

Please enter the Abstract of the Disclosure submitted herewith on a separate sheet.

Remarks

Claims 25-61 are now pending in this application. Applicant has canceled claims 1-24 and presented new claims 25-61 to clarify the present invention. Applicant respectfully requests favorable reconsideration of this application.

Applicant presents an Abstract of the Disclosure herewith on a separate sheet.

Applicant has amended the specification to include section headings and to delete a reference to the claims at page 13, line 12. Applicant does not find references to the claims at page 3, lines 2 and 11 noted by the Examiner. In view of the above, Applicant respectfully requests withdrawal of the objection to the specification.

Newly presented claims 25-61 include, where appropriate, a indentation for elements of the invention recited therein. Accordingly, Applicant respectfully requests withdrawal of the objection to the claims.

Applicant submits herewith under separate cover proposed drawing corrections to show the cross-section of the holder as plastic.

Applicants have rewritten claims 1-24 as newly presented claims 25-61, which recite patentable subject matter of the present invention with improved clarity and eliminate all indefinite and unclear terms. Accordingly, Applicant submits that claims 25-61 comply with 35 U.S.C. § 112, second paragraph and respectfully request withdrawal of this rejection.

The Examiner rejected claims 1-24 under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 5,622,500 to Niznick.

Niznick does not disclose the present invention since, among other things, Niznick does not disclose a device that includes a spacer receiving portion and a screw receiving portion. Additionally, Niznick does not disclose a device that includes a grip portion to facilitate handling of the holder. Niznick discloses a "stopper" having a much different configuration than the holder of the present invention, particularly the portions that receive the healing collar and healing screw.

In view of the above, Niznick does not disclose all elements of the present invention as

recited in newly presented claims 25-61. Since Niznick does not disclose all elements of the present invention as recited in newly presented claims 25-61, the present invention, as recited in newly presented claims 25-61, is not properly rejected under 35 U.S.C. § 102(b). For an anticipation rejection under 35 U.S.C. § 102(b) no difference may exist between the claimed invention and the reference disclosure. *See Scripps Clinic and Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q. 841 (C.A.F.C. 1984).

Along these lines, anticipation requires the disclosure, in a cited reference, of each and every recitation, as set forth in the claims. *See Hodosh v. Block Drug Co.*, 229 U.S.P.Q. 182 (Fed. Cir. 1986); *Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985); *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986); and *Akzo N.V. v. U.S. International Trade Commissioner*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986).

In view of the above, Niznick does not disclose patentable features of the present invention. Therefore, Niznick does not anticipate the present invention. Accordingly, Applicant respectfully requests withdrawal of the rejection based upon the cited reference.

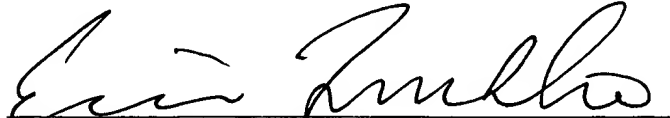
In conclusion, Applicant respectfully requests favorable reconsideration of this case and early issuance of the Notice of Allowance.

If the Examiner believes that an interview would facilitate the prosecution of this case, Applicant urges the Examiner to contact the undersigned at the telephone number listed below.

The undersigned hereby authorizes the Commissioner to charge any insufficient fees or credit any overpayment associated with this communication to Deposit Account No. 19-5127, 19390.0003.

Respectfully submitted,

Date: 9-30-02

A handwritten signature in black ink, appearing to read "Eric J. Franklin", written over a horizontal line.

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WO 00/54697

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2 / 2

Fig. 3

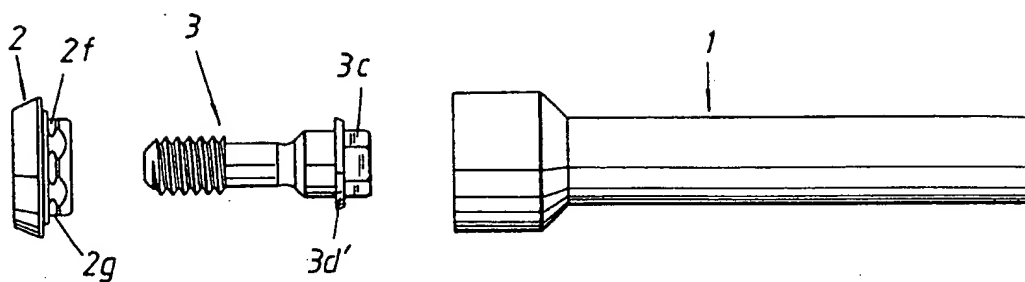


Fig. 4

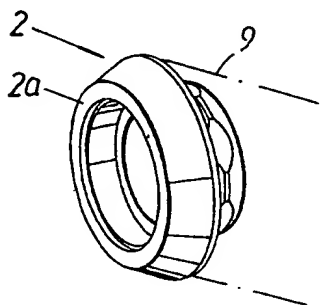


Fig. 4a

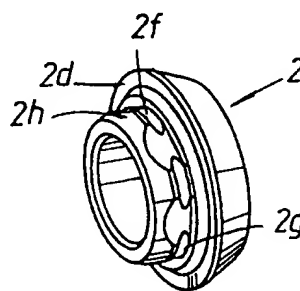


Fig. 5

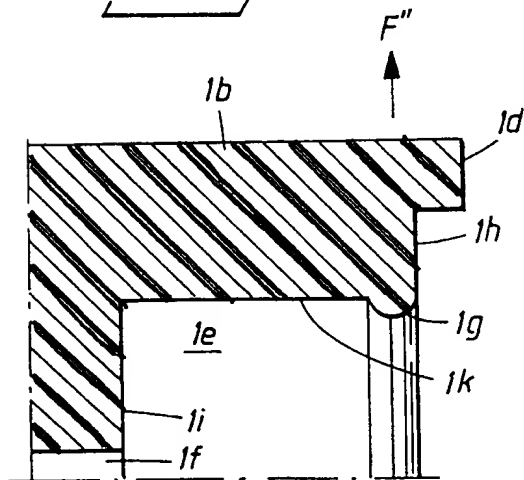
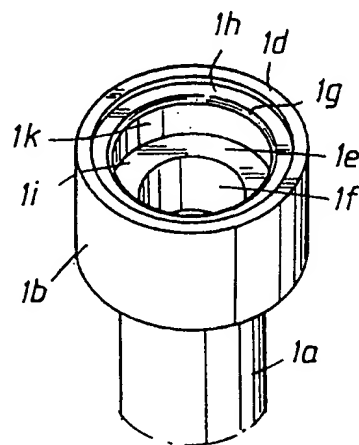


Fig. 6





WO 00/54697

PCT/SE00/00359

